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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,762	03/23/2000	Jae Kyung Lee	0630-1061P	9869
7590	07/29/2004		EXAMINER	
Birch Stewart Kolasch & Birch LLP P O Box 747 Falls Church, VA 22040-0747			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/533,762	LEE ET AL.
	Examiner	Art Unit
	Peng Ke	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 January 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-6 and 9-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6, and 9-12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed on 1/30/2004.

This action is final.

2. Claims 1-6, and 9-12 are pending in this application. Claims 1-4 are independent claims.

In the Amendment, filed on 4/30/2004, claims 1-6 and 9-12 are amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugo (JP 04246720) in view of Kleewein et al. (US 5,914,717).

As per independent claim 1, Tsugo teaches a method for display a menu on a video display apparatus, the menu screen comprising a menu level having a plurality of menus, each of which are displayed in a first color, wherein selecting a first menu from the plurality of menus cause a first lower menu level to be generated, the first lower menu level being displayed in a second color that is different from the first color, and selecting a second menu from the first lower menu level causes a second lower menu level to be generated, the second lower menu level is being displayed in a third color that is different from the first and second colors (Detail Description, P. 0004).

However Tsugo doesn't teach the selected menu and the corresponding lower menu level to be displayed in a second color that is different from the first color.

Kleewein et al. teaches the selected menu and the corresponding lower menu level to be displayed in a second color that is different from the first color (Fig 4, items 48, 50, 54).

It would have been obvious to an artisan at the time of the invention to include Kleewein's teaching with Tsugo's method in order to provide a contrast between selected item and the menu it is on.

As per independent claim 2, is rejected with the same rationale as claim 1.

As per independent claim 3 is rejected with the same rationale as claim 1.

As per independent claim 4 is rejected with the same rationale as claim 1.

As per claim 5, which is dependent on claim 2, Tsugo and Kleewein teach the method according to claim 2. Tsugo further teaches wherein the menus and menu levels are displayed using blocks, and the selected first menu and second menus and the corresponding first and second lower menu levels are displayed on a different block from other menus and menu levels (Fig 2, item I, II, III).

As per claim 9, which is dependent on claim 3, it is of the same scope as claim 5. (see rejection above).

As per claim 10, which is dependent on claim 4, it is of the same scope as claim 5. (see rejection above).

6. Claims 6, 11 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugo (JP 04246720) in view of Kleewein et al. (US 5,914,717) further in view of Roberge (US 6,154,750).

As per claim 6, which is dependent on claim 2, Tsugo and Kleewein teach the method according to claim 2. However they fail to teach wherein the menus and menu levels are displayed using different shadings, and the selected first and second menus and the corresponding first and second lower menu levels are displayed using a shading that is different from the shadings of the other menus and menu levels. Roberge teaches a method wherein the menus and menu levels are displayed using different shadings, and the selected first and second menus and the corresponding first and second lower menu levels are displayed using a shading that is different from the shadings of the other menus and menu levels (Fig. 9, item 91, col. 6, lines 35-410).

It would have been obvious to an artisan at the time of the invention to include Roberge's teaching with method of Tsugo and Kleewin et al. in order to make it easier for user to recognize the submenus, which have a different shade from each other .

As per claim 11, which is dependent on claim 3, it is of the same scope as 6 (see rejection above).

As per claim 12, which is dependent on claim 4, it is of the same scope as 6 (see rejection above).

7. Claim 15 and 16 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugo (JP 04246720) in view of Kleewein et al. (US 5,914,717) further in view of Ermel et al. (U.S. 5,835,094).

As per claim 15, which is dependent on claim 5, Tsugo and Kleewein teach claim 5. However they fail to teach the method wherein each of the blocks is displayed three dimensionally so as to show its height. Ermel et al. teaches a method wherein each of the blocks

is displayed three dimensionally so as to show its height (fig 1-4, col 3 lines 37-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ermel's teaching with Tsugo's method in order to give user a complete view of all the available selections of the menu.

As per claim 16, which is dependent on claim 9, it is of the same scope as claim 15 (see rejection above).

As per claim 17, which is dependent on claim 10, it is of the same scope as claim 15 (see rejection above).

***Response to Argument***

Applicant's arguments filed on 1/30/2004 have been fully considered but they are not persuasive.

Applicant's argument includes the following:

A. Kleewein et al. and Tsugo fail to teach selecting a second menu item from the lower menu level, causing a second lower menu level to be generated, wherein the selected second menu item and the second lower menu level are displayed using the same color or in the same manner.

Examiner disagrees

A. Since examiner considers the menu 34 in Kleewin's figure 4 to be the first lower menu, and the menu 54 to be the second lower menu, therefore Kleewin teaches the selected second menu item and the second lower menu level are displayed using the same color or in the same manner as it is indicated in the figure. Furthermore, Kleewin clearly teaches the selected item and the corresponding lower menu are displayed using the same color or in the same

manner. And by combining Kleewein's teach with Tsugo's method, that includes multiple menus and corresponding lower menus, a selected second menu item and a selected second lower menu level, which are displayed using the same color or in the same manner as it is indicated in the figure

B. Roberge, Kleewein and Tsugo fail to teach the selected menu and corresponding lower menu level are shaded in the same manner or distinguished from other menus and menu levels on the screen.

Examiner disagrees

B. Roberge teaches differentiating menus using a method of shading. And by combining Roberge with Kleewein, who teaches the selected item and the corresponding lower menu are displayed using the same manner, a selected menu item and its corresponding selected lower menu are differentiated from other menus and menu levels by the unique shade that they have.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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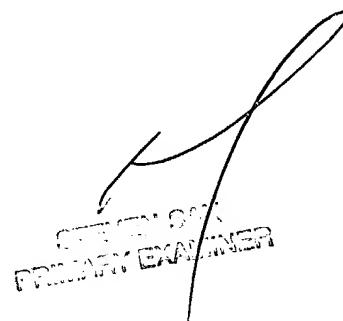
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

  
PENG KE  
PRIMARY EXAMINER